UNITED STATES DISTRICT COURT
FIRST DISTRICT OF MASSACHUSETTS

Worcester,ss.

United States First
District Court
No.

COMMONWEALTH

V.

04-40153

ROBERT HENDRICKSON

DEFENDANT'S MEMORANDUM AND BRIEF
FROM APPEAL IN STATE COURTS

Now comes the defendant Robert Hendrickson Pro se,to move this Honorable Court to grant his Petition to the First District Court for the State of Massachusetts and grant his Motion for Memorandum and Brief with exhibits as part of his case before this Court.

Respectfully Submitted,

Robert Hendrickson

Robert Hendrickson,Pro,se.
P.O. Box 466
Gardner,Ma.01440

Date: August/0,2004

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QUESTIONS PRESENTED FOR REVIEW

1. Did the Motion Judge error by denying Deft's motion for an Evidentiary Hearing where Deft., raised substantial issues?

2. Did the Motion Judge error by denying Deft's motion to withdraw his Guilty Plea based on Prosecutorial Misconduct and Ineffective Assistance of Counsel under the Brady Rule?

STATEMENT OF THE CASE

Nature of the case.

This is Robert Hendrickson's appeal from his conviction of aggravated rape,indecent assault and battery and kidnapping.

Prior Proceedings and Dispositions in the Courts.

The defendant plead guilty to the above charges on November 26,1990. On April 29,1991, he filed his first motion, amended in February,1992, that was denied without a hearing by the trial Judge. This decision was affirmed on appeal. Commonwealth V. Hendrickson, 34 Mass. App. Ct. 1112 (1992), further appellate review was denied, 415 Mass. 1101 (1993).

Then in September of 1994, he filed another

motion for new trial,which was denied without a hearing by Travers,J.,of Worcester Superior Court on October 6, 1994, which was affirmed on appeal. Commonwealth V. Hendrickson,39 Mass.App.Ct.1104 (1995),further appellate review denied,421 Mass. 1106 (1995). In September,1999, he filed a motion to vacate his guilty plea which his motion was acted upon by Donohue,J.,this motion was denied without a hearing on November 29,1999. An appeal was taken from this decision and the appeals court affirmed the action of the trial court. Commonwealth V. Hendrickson, 51 Mass.App.Ct.1115 (2001).

STATEMENT OF THE FACTS.

Introduction and Summary.

This case is based on the Facts of Newly Discovered Evidence,that has been unknown to the defendant for thirteen (13) years of his incarceration,and the courts being deceived by Prosecutorial Misconduct and Ineffective Counsel for the Defendant. No pretrial Conference Report was ever filed in this case,Rule 11(2)(B),and if their was no report filed,then there is no exculpatory evidence under the Brady Rule,and it is up to the Prosecutor to show harmless error.

When the Defendant first found out about this discovery and the violation of no conference report filed in this case,was when he wrote to the Worcester Clerk of Courts asking for the pretrial conference reports for the two (2) unrelated cases,on October 7,2002. The Defendant

wanted to see what evidence was filed within each case and what agreements were made from the pretrial motions, Rule 11(a)(2)(A). Thats when the Defendant noticed that there was no evidence for either case and no agreements written within the pretrial conference report and thats when the Defendant found that the two (2) unrelated cases were put together in one report. The defendant started to inquire more about the Laws and Rules that were noted on the report itself.

Judge Fecteau would be correct in his ruling of a 30 (c)(2),that this could have been raised in the Defendant's earlier motions to withdraw,but if Judge O'Neil,who presided over the pretrial conference (See exhibit B),and the Defendant's Court Appointed Appellate Attorney did not know or discover at that time,that there was Prosecutorial misconduct by disguising the two (2) unrelated cases together to make them appear as one related case in the conference report by Mixing and Blending the indictment numbers together,how is the untrained defendant to know. A Joinder Motion was never discussed at the pretrial hearing as the record shows (See exhibit B&C), because if it was, this Motion would have been filed, documented and recorded as part of the record with the Defendant's signature and knowledge Rule 9 (a)(4).

The Defendant would have never agreed to the two (2) unrelated cases to be put together without first speaking to his attorney because of the complexity of evidence

and the diminished Constitutional Rights with the motions being agreed upon within each case. The Defendant was never present or allowed to be at the pretrial conference hearing.

Judge O'Neil who presided at the pretrial conference report,(See unrelated Docket Entry Case,90-2250,exhibit B)[1] on October 1,1990,allowed these alleged agreements that were not written in this report (See exhibit A) to be filed,Rule 11(a)(2)(A),Rule 13(a),for the two (2) unrelated cases and allowed this report to be filed without a Joinder Motion Rule 9(a)(4),and without the defendant's consent,signature or knowledge. If it were known to the Judge that these cases were not related,then he was in fact violating the Defendant's Rights of Due Process. By filing and allowing counsel with the District Attorney for the Commonwealth to continue in deceiving the Courts into violating the Defendant's rights and these rules of the Court.

If Judge O'Neil and the Defendant's appointed counsel for his Appellate Appeal did not notice the two (2) unrelated cases being put together or see this violation of the Rules and Due Process,then a laymen/defendant will ordinarily be unable to recognize counsels errors and to evaluate counsels professional performance,cf. Powell V.

1. Docket Entry Exhibit B 90-2250 unrelated case (Worcester Mass.).
2. Docket Entry Exhibit C 90-2251.53,55,unrelated case (town of Grafton,Mass.).

Alabama, supra, 287 U.S.,at 69,53 S.Ct.,at 64. Consequently a criminal defendant will rarely know that he has not been represented competently until after trial or appeals, usually when he consults another lawyer about his case, and even years,as the present case shows. The Defendant should have been allowed an evidentiary hearing on the merits of his case to establish his claims against his plea counsel and District Attorney for the Commonwealth pursuant to Comm. V. Licata, 412 Mass. 654,660-663 (1992).

This is the defendant's fourth (4th) Rule 30(b) motion,and it has been requested each time he filed to have an evidentiary hearing and each time the Defendant has been denied for a hearing on the merits of his case, and he has not been allowed to cross examine anyone.

Rule 18(a) §1591 states, In any prosecution for a crime the defendant shall be entitled to be present at all critical stages of the proceedings,and cases cited, also §1157 Mass.R.Crim.P.,11(a)(1). A pretrial conference is useless unless a written report signed by the parties, is filed with the court. The authors of the rule recognized the necessity of filing a written report and therefore,Mass.R.Crim.P.,11 (a)(2)(A) spells out the details of filing the report §1165, of Rule 11,and failure to file a pretrial conference report is under Rule 11(2)(B),and it is mandatory under Rule 11,to have and file pretrial conference reports.

ARGUMENT

1. DID THE MOTION JUDGE ERROR BY DENYING DEFT'S MOTION FOR AN EVIDENTIARY HEARING WHERE DEFT.,RAISED SUBSTANTIAL ISSUES?

The motion Judge Fecteau,did in fact err on the defendant's motion when he denied even an evidentiary hearing under Comm.V.Licata,412 Mass.654,660-663 (1992), on the merits of his case. The Judge looked at the defendant's past motions,instead of the present one,with the Newly Discovered Evidence. The motion Judge is hoping that the higher Courts will rule and agree in his favor and deny the defendant's motion for a new trial and/or evidentiary hearing on the merits that are in fact violating the Laws and Rules of this State. The defendant has raised substantial issues,as the motion Judge refused to hear,believe or investigate further because Judge O'Neil, who presided at the pretrial conference hearing would be at fault because he was wrong by letting only one (1) report to be filed for two (2) unrelated cases with no written agreements,Rule 11(a)(2)(A),13(a),within this report (See exhibit A),and Exculpatory Evidence was never discussed for which case[s] they applied for are the questions,and Prosecutorial Misconduct and Ineffective Assistance of Counsel are within the scope of these questions.

The defendant should have been granted an Evidentiary Hearing on the merits of his case under Comm.V.Litaca.

There are to many Rules,Regulations and Laws that have been violated to be over looked without a hearing within this case. It is up to the District Attorney to show harmless error of why the two (2) unrelated cases were put together in one conference report and violating complete sections of Massachusetts Rules and Laws along with the defendant's Due Process Rights to Fair Trial.

The District Attorney as well as the defendant's Attorney had blended/mixed all Grand Jury Indictment numbers together for two (2) unrelated cases in one (1) pretrial conference report to make them appear as one (1) whole related case, without filing a Joinder Motion or the defendant's signature,Rule 9(a)(4). It would appear that if counsel wishes to challenge the Joinder of offenses or defendant's in the pleading stage, "a motion must be filed under Mass.R.Crim.P. 9(d)(1), Comm. V. Sylvester, 388 Mass. 749,448 N.E. 2d 1106 (1983); Mass. R.Crim.P. 9 (a)(4), Joinder of unrelated offenses for trial.[See exhibit A]. The indictment numbers at the top of this conference report are "90-2250 through 56", [See exhibits A,B&C,unrelated cases]. This shows that the District Attorney had involved both unrelated cases together by deception and this demomstrated that the joinder of the two (2) unrelated cases has resulted in prejudice to the defendant and that substantive rights

of the defendant have been adversely affected.Comm.V. Sylvester, 388 Mass. 749,448 N.E. 2d 1106 (1983); Comm. V. Doyle, Mass. App.Ct.544,364 N.E.2d 1283 (1977);Comm. V.Slavski, 245 Mass.405,140 N.E. 465 (1923);Comm.V. Jacobs, 52 Mass.App.Ct. 225,750 N.E.2d 1028 (2001);Comm. V. Cotto, 52 Mass.App.Ct. 225,752 N.E.2d 768 (2001), making them appear as one case,in violation of Mass.R. Crim.P. 9.

The Commonwealth has violated these agreements because there is no pretrial conference report in this case,under Mass.R.Crim.P. 11.

In the reporters notes; subdivision (a),pretrial conferences are "MANDATORY" that the Prosecuting Attorney and Defense Counsel in Superior Court and Jury sessions of the District Court hold a pretrial conference,Mass.R. Crim.P. 11(a)(1), See Comm.V.Preston, 10 Mass.App.Ct. 807,413 N.E.2d 749 (1980). One solution is for the Judge to examine the conference report in open Court, and place on the record the understanding of any agreements of the defendant's motions as to its contents of the report.[See exhibits A,B&C]. Agreements are to be reduced to "writing in the conference report" shall be binding on the parties and shall control the subsequent course of the proceedings Rule 11(2)(A),(b)(1)(D)(i)(ii)(iii)(iv). This conference report is incomplete and/or non compliant to the defendant's case above to the pretrial conference Rules 11(b)(2)(A). Section six (6) of line II, in the conference

report states."agreements reached by the parties concerning matters other than discovery (specify): "NONE". [See exhibit A]. The docket entries show that motions were " allowed by agreements" which are not apart of this report that was allowed to be filed. [See exhibits A,B&C]. Pretrial conferences are "MANDATORY",this requirement is imposed in recognition of the complexity inherent in Jury trials. In the instant case they are not connected, and therefore,should have separate pretrial conference reports. The Joinder of unrelated cases and offenses such as this case is prohibited, except at the instance of the defendant or with his written consent, Rule 9(a)(4).

This Joinder could qualify under the "Common Scheme or Plan" of the balance of the rule, See United States V. Werner, 620 F.2d 922,926-28 (2d Cir.1980); United States V.Halper, 590 F.2d 422,430-32 (2d Cir.1978). Under United States V.Randazzo, 80 F.3d 623,628 (1st Cir.(1996), the burden of demonstrating the harmlessness of misjoinder of *1035 offenses [52 Mass.App.Ct.47] is cast on the prosecution.

If the substance of a motion is agreed upon, that fact and the agreements are set out in the conference report ([a][2][A];[b][2][A]), infra, while it is unlikely that a plan agreement will immediately result from the conference, the defendant, following disclosure of the Commonwealths case, may decide that a plea is his best alternative therefore, the subject is properly discussed

at that time ([a][1][B]). The attendance of the defendant at conference must be available. Mass.R.Crim.P. 11(a)(1), (b)(1), Comm.V.Preston, 10 Mass.App.Ct. 807,413 N.E. 2d 927 (1980). Mass.R.Crim.P. 14. also see Comm.V.DeLaney, 11 Mass.App.Ct. 398,416 N.E. 2d 972 (1981). The purpose of the conference is to focus upon the main issues of the case, it is important for counsel to agree on as many issues of the case as possible. It is important that the parties put down the entire agreement[s] in the written conference report. See Comm.V.DeLaney, 416 N.E. 2d 972 (1981). The conference report must contain the statements of those matters upon which the parties have reached agreements, including any stipulations of facts and statements of those matters upon which the parties could not agree which are the subject of pretrial motions, Mass. R.Crim.P. 11(a)(2)(B), and cause must be shown, prosecutor must show harmless error. "If there are multiple charges, a motion filed pursuant to the rule must specify the particular charge to which it is ment to apply".

Mass.R.Crim.P. 13 (a)(2), a "pretrial conference is of great importance in assisting the prosecutor in determining what is exculpatory evidence in a particular case". *1249 any agreements reached at the conference in a conference report is filed with the Court. Mass.R. Crim.P. 11 (a)(1), 378 Mass. 862 (1979). Mass.R.Crim.P. 12 (b)(2), which requires counsel to notify the Court of the existance of any agreement contingent upon the defendant's plea, as well as on the record in open Court

under Mass.R.Crim.P. 12 (c)(1).

In the reporters notes: *3048, The defenses upon which a defendant intends to rely on are included in the conference report as topics to be discussed at the conference ([a][1][C]). Because a stipulation as to, e.g., the existance of a fact which, "establishes an element of the crime charged". Agreements as to subdivisions (D)(ii) and (iii), will assist the court in the management of its Docket, See Mass.R.CriM.P. 10. If stipulations of fact are agreed upon after discussion under (D)(V), they are to be recorded in the conference report ([a][2][A],[b][2][A], infra).

In the reporters notes: *3049, Subdivision (a)(2)(A) outlines the contents of the pretrial conference report and establishes the requirement that it be signed by the defendant when it contains agreements" which amounts to waivers of Constitutional Rights or stipulations to material facts. The defendant's signature should not be pro forma, but should be subscribed only after his counsel has explained the consequences of this act to him. To expedite this procedure, subdivisions (a)(1) and (b)(1) mandate that the defendant "shall be available for attendance at the pretrial conference". See Comm.V.Preston, 10 Mass.App.Ct. 807.413 N.E.2d 972 (1980). This requirement assures also that the defendant's assent to other "agreements" may readily be obtained. The conference report is filed with the Clerk, whose responsibility

it is to monitor filing and advancement of "cases" for trial. In the instant case there is no pretrial conference report that was ever filed along with any written agreements.

The defendant has never received any exculpatory evidence or discovery, [See exhibit A,Rule 14(a)(1),(a)(2)] from the District Attorney or his appointed Attorney in the case above,because there was never a pretrial conference report filed in this case. If there was a report filed in this case it would contain any and all agreements and the defendant's signature as required by Mass.R.Crim. P. 11. and Rule 9(a)(4) of the Joinder motion for two (2) unrelated cases.

These Rules are made by the Courts to regulate the procedures in an orderly fashion,that establish the fundamental rights to discovery and agreements for each case that is unique and spacific within its own characteristics. The Rules of the Courts,have the force of law and are as binding on the Courts as statutes. In re Berkwitz, 323 Mass. 41,80 N.E.2d 45 (1948). Because the rules have the force of law and are as binding,they cannot be disregarded by an individual Judge. Empire Apt.Inc.V. Gray, 353 Mass. 333,231 N.E.2d 361 (1967); Petition of Civitarese, 393 Mass. 310,231 N.E.2d 360 (1967).

Therefore, the Rules are binding upon the Court as well as the parties and counsel cannot waive the Rules. Comm.V.Cooper, 356 Mass. 74,248 N.E.2d 253 (1968). In

Cooper, the Court states that Rules of the Court are indispensable to the orderly and efficient conduct of a Courts business and they cannot be affected or dictated by the caprice or design of counsel.

The Attorney John Roemer that was appointed to the defendant in this case has violated the defendant's rights. When the defendant was on the stand for his colloquy, he denied all the charges in the indictments, (as the record shows,[see exhibits D, transcript],and the proceedings were stopped at that time. The Judge directed the defendant's Attorney to "Speak to Him"... when the defendant went and spoke to his Attorney John Roemer off the record, which was his only real meeting with his attorney about this case. The defendant aked his attorney, "How can I plead guilty to something I did not do? What about the police reports and all the evidence? The defendant again told his attorney that the alleged victim was intoxicated and had voluntarily put a condom on him (which makes this consensual between adults,not rape),his attorney stated that it will not make any difference in a rape case and also stated that "he did not receive any discovery or evidence from the Prosecutor" but don't worry, just answer the Judges questions "YES", because I,(his attorney John Roemer) and the (District Attorney Joseph Moriarty) made an "Agreement/Recommendation" to the sentence, Rule 11(a)(2)(A),(b)(2)(A), and that you will be doing less time because you are pleading guilty

than the sentence you received from the Mayhem trial, (which was an unrelated case of 12 to 20 years). The defendant had to believe his appointed attorney and put his trust in him that there was "No Exculpatory Evidence or Discovery" given to him by the Prosecutor, Comm.V. Gallarelli, 399 Mass. 17,502 N.E.2d 516 (1987), and pleaded guilty to a larger sentence of 16-20 years with no statutory good time, Strickland V.Washington, 466 U.S. 668,685 and with no discovery or evidence, See Sanchez V.United States, 50 F.3d 1448,1453 (9th Cir.1995).

On the conference report section six (6) line (II), [See exhibit A],there are no written agreements to that section as it states, "NONE",Rule 11 (2)(A) [See motions agreed upon,exhibits B&C]. The conference report attached is in conflict with the Rules and of the two (2) unrelated cases,Rule 9 (a)(4), and agreements that were not made apart of this conference report or was it ever signed by the defendant.

The conference report attached [See exhibit A], is in conflict because of the two unrelated cases. These are two (2) separate cases because the defendant was arrested in Grafton,Mass.,[see exhibits C,90-2251,53,55.],and the defendant was arrested on an unrelated case in Worcester, Mass.,on the charge of Mayhem,[See exhibit B,90-2250.]. These cases should have and must have separate pretrial conference reports because each case is unique and procedures are needed to be tailored to fit its specific

characteristics when it contains agreements and those agreements are to be written within the conference report for each case according to its complexity, Mass.R.Crim.P. 10 (D)(V).([a][2][A],[b][2][A],infra.).

The District Attorney is trying to deceive the Courts by making this conference report one (1) complete report for two (2) unrelated cases. If any of the alleged materials of discovery,exculpatory evidence and agreed upon motions were available to the excluded defendant from the pretrial conference hearing, Comm.V.Preston, 10 Mass.App. Ct. 807,413 N.E.2d 972 (1980), there would have been an available substantial ground of defense and the outcome of the case would have been different if both Attorney's, one for the Commomwealth and one for the defendant, had simply followed the Mass.R.Crim.P., of the Courts and that each case is unique and it is Mandatory that each case have separate pretrial conference reports because of their complexity and agreements and if the defense Attorney had made it known to the Court that the alleged victim was intoxicated and had in fact put a condom on the defendant (which makes this consensual between adults, not rape), the outcome would have been different because there was an available substantial ground of defense.

The defendant wrote a complaint to the BBO, six months after he was convicted waiting for his Attorney to send him the discovery and evidence so that he could

make a proper appeal, but received nothing. Attorney John Roemer, stated to the board that he did send a package to the defendant, but that was for the Mayhem case, indictment No's.,90-2250,54,56; nothing was ever sent to the defendant on the rape charge, indictments, 90-2251,53,55. [See exhibits E], a letter of complaint and their response from the BBO, recently.

2. DID THE MOTION JUDGE ERROR BY DENYING DEFT"S MOTION TO WITHDRAW HIS GUILTY PLEA BASED ON PROSECUTORIAL MISCONDUCT AND INEFFECTIVE ASSISTANCE OF COUNSEL UNDER THE BRADY RULE?

The defendant is attacking his guilty plea on the grounds that the Government failed in it's Brady Duty, Brady V.Maryland, 373 U.S. 83 (1963); Sanchez V.United States, 50 F.3d 1448,1453 (9th Cir.1995)("a waiver cannot be deemed intelligent and voluntary if entered without the knowledge of material information withheld by the prosecution"); See also United States V.Avellino, 136 F.2d 249,255 (2d Cir.1998); Nguyen V.United States, 114 F.2d 699,705 (8th Cir.1997), and violated the Mass. R.Crim.P. 11, of the pretrial conference report.

In line two (2) of the report [See exhibit A],it states "The Commonwealth will provide the defendant in writing, inspection of evidence and documents", the defendant was never notified in writing of any alleged discovery or evidence that was available to him in this case, Rule 14(a)(2). In the pretrial conference report

that was suppose to be filed in this case pursuant to Mass.R.Crim.P. 11 (a)(2)(A) the Commonwealth agreed to furnish the defendant with the mandatory discovery guaranteed by Mass.R.Crim.P. 14 (a)(1)(C), 378 Mass. 874 (1979), as to "any facts of an exculpatory nature within the possession,custody or control of the Prosecutor". Id. Under Rule 11, pretrial agreements are binding on the parties and have the force of a Court order. Comm. V.Lam Ho To, 391 Mass. 301,304 n.3,461 N.E.2d 776 (1984). cf. Comm. V.DeLaney, 11 Mass.App.Ct. 398,403 n.3, 416 N.E. 2d 972 (1981). Evidence is exculpatory if it tends to negate the guilt of the accused. The defendant was prejudiced by the suppression/non filing of the conference report.

The defendant urges the Commonwealth to follow the approach recently adopted for use in the Federal Courts. See United States V.Bagley, 473 U.S. 667,105 S.Ct.3375, 87 L.Ed.2d 481 (1985). In Bagley, the United States Supreme Court devised a test for materiality which it regards as "sufficiently flexible to cover the no request,general request and specfic request" cases of prosecutorial failure to disclose evidence favorable to the accused". Id. at 3384. By the Bagley test, "the evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defendant, the results of the proceedings would have been different, a reasonable probability is a probability

sufficient to undermine confidence in the outcome". The more prudent safeguards of the defendant's rights now found in the numerous decisions which have developed a traditional approach to these issues. See Comm. V.Ellison, supra 376 Mass. at 23-25, 379 N.E.2d 560, and cases cited. MassR.Crim.P. 11 (a)(2)(A), 14 (a)(1)(C),(c)(1) 43c M.G.L.A..

The Commowealth is in violation of the following: The Brady violation: deliberate nondisclosure to the defendant of "all" Discovery and Exculpatory Materials and Prosecutorial Misconduct [District Attorney Joseph Moriarity] and [Defendant's Attorney John Roemer].

The A.B.A. code of professional responsibility, the A.B.A. Model Rules of professional conduct and the A.B.A. standards for criminal Justice address the above questions in other cases) as this.

Disciplinary Rule 7-103, of the code status: "a police,prosecutor or other Government Lawyer in criminal litigation, shall make timely disclosure to counsel for the defendant, or to the defendant who has no counsel, of the existance of evidence known to the prosecutor or other Government Lawyer, that tends to negate the guilt of the accused mitigate the degree of the offense reduce the punishment". [Emphasis added.] Chapter 3,Rule 3.4 (a)(e)[1][2].

Please note: That the Commonwealth is in violation of this Rule, Model Rule 3.8(d) states; The Prosecutor

in a criminal case shall...make timely disclosure to the defense of all evidence or information known to the prosecutor that tend to negate guilt of the accused or mitigates the offense".[Emphasis added.]

Please note: The Commonwealth is in violation of this rule: A.B.A. Standard for Criminal 3-3.11(a) states: "A prosecutor should not intentionally fail to make timely disclosure to the defense at earliest feasable opportunity of the exsistance of all evidence of information which tends to negate guilt of the accused or mitgate the offense charged which would tend to reduce the punishment of the accused".[Emphasis added.]

Please note: The Commonwealth is in violation of this rule: A.B.A. standard for criminal Justice 3-1.2(c) states; The duty of the prosecution is to seek Justice, "NOT MERELY TO CONVICT".

CONCLUSION

The defendant has shown that the Commonwealth has failed to file a pretrial conference report according to the Mass.R.Crim.P.,of Rule 11,as well as other Rules within this case and violation of these rules include failure to provide discovery and exculpatory evidence.

There are to many Rules,Regulations and Laws that have been completely violated by the Commonwealth to make this conviction.

For all of the reasons stated above, this Honorable

Court is requested to the rule on the above pleadings, findings of the facts and Rulings of Law both precendential and anew. The defendant further request this Court to refrain from Summary Disposition 1:28,as that Court Rule violates Federal Law under the void for vagueness and Due Process standards of statutory construction which careens headlong into the United States Constitution.

For the above,disposition must come by specific facts and laws, both State and Federal, inorder to avoid further violations of Article 11 & 12 of the Massachusetts Bill of Rights and Amendments 5,6 and 14 Due Process, Fair Trial, and all Bill of Rights and Federal Laws in the State Courts).

Therefore, requiring that the guilty pleas be set aside for an Evidentiary Hearing,resentencing and/or for a New Trial.

Respectfully Submitted,

Robert Hendrickson Pro se.
P.O. Box 8000
Shirley,Mass. 01464

Date: 3 / 2 /03